

September 16, 2009

TO: Gary O'Brien

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Gary O'Brien vs. Department of Corrections (DOC)  
Allocation Review Request ALLO-08-073

On June 9, 2009, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, your co-worker Dave Gaydeski (Maintenance Mechanic 4) and your supervisor, Jack Brandt, Facilities Manager, also participated in the Director's review conference. Human Resources Consultants Tina Cooley and Joanne Harmon represented DOC.

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to January 4, 2007, the date you submitted your request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position should be reallocated to the Equipment Technician 5 classification.

### **Background**

On January 4, 2007, you submitted a Position Review Request (PRR) form to Clallam Bay Corrections Center (CBCC) requesting that your Automotive Mechanic Supervisor position be reallocated to the Equipment Technician 5 classification. On January 30, 2007, your supervisor, Jack (John) Brandt, whose position was a Plant Mechanic 3 at the time, and Superintendent Karen Brunson signed a Position Description Form (PDF) for your position #1364. Both the PRR and the PDF requested reallocation of your position to the Equipment Technician 5 classification.

On September 24, 2008, Gina Maines, Human Resource Manager at CBCC issued an allocation determination, concluding the Equipment Technician 4 was the best fit.

for the duties and responsibilities assigned to your position. While Ms. Maines recognized that you supervised a Truck Driver 2 position and an offender work crew, she did not believe your position met the supervisory requirements described by the Equipment Technician 5 classification.

On October 14, 2008, you filed a request for a Director's review of DOC's allocation determination.

The following summarizes your perspective as well as your employer's:

### **Summary of Mr. O'Brien's Perspective**

Mr. O'Brien asserts his job responsibilities include establishing job performance standards, evaluating job performance, and taking corrective action, as well as acting upon leave requests for the Truck Driver 2 position he supervises. Mr. O'Brien realizes he does not supervisor journey level technicians or mechanics; however, he points out that he supervises a crew of five or more offenders. Mr. O'Brien explained that the offender crew comes from Olympic Corrections Center (OCC) and acknowledges that a Correctional Officer from OCC completes the paperwork for offender time slips and evaluations. However, Mr. O'Brien contends that he provides that information to the Correctional Officer and that he (O'Brien) determines which offenders to hire in the shop and whether or not to fire an offender. Mr. O'Brien indicates that he completes and signs paperwork explaining why an offender is fired. Mr. O'Brien further asserts that he recommends offenders' pay rates and the substance of offender evaluations.

Further, Mr. O'Brien asserts that after the OCC Correctional Officer escorts the offender crew to the shop, the Correctional Officer takes another group of offenders to work in other areas of the CBCC grounds. Mr. O'Brien contends his offender crew works directly under his supervision in the shop, while the Correctional Officer works in a separate location at CBCC. In addition, Mr. O'Brien states his position has been tasked with ordering fuels for the fleet, maintenance of the dispensing facilities, and performing the monthly fuel reports for CBCC. Mr. O'Brien indicates his supervisor has assigned him the responsibility for all decisions regarding the fleet at CBCC, which includes repairs, replacements, and procurements. Mr. O'Brien believes the duties and level of responsibility assigned to his position fit within the Equipment Technician 5 classification.

### **Summary of DOC's Reasoning**

DOC contends Mr. O'Brien's position does not fit the Equipment Technician 5 level because he does not supervise equipment mechanics, shop assistants, or other journey-level technicians performing work in the shop. DOC acknowledges that Mr. O'Brien supervises a Truck Driver 2 position and a crew of offenders. However, DOC asserts the "supervision" of the offender crew is more in line with a lead worker who leads, trains, check the work of the offenders and makes recommendations to

the Correctional Officer with the supervisory responsibility. In addition, DOC points out that the Equipment Technician 5 definition discusses supervision of an offender crew working in a shop operated by a Department of Natural Resources (DNR) employee, not a DOC employee. DOC acknowledges that the Equipment Technician class series is the appropriate fit for Mr. O'Brien's position because of the array of heavy equipment he services. However, DOC contends the level of responsibility assigned to his position fits the Equipment Technician 4 classification. Further, DOC asserts the mechanical work assigned to Mr. O'Brien's position is consistent with the typical work described by the Equipment Technician 4 classification.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

The following summarizes your description of your position's purpose, as stated on the Position Review Request (PRR) (Exhibit A-3):

My position serves as administrator for our institution's motorized fleet of vehicles, heavy equipment and small motored equipment. I am responsible for the preventive and routine maintenance, fuel procurement and inventory, surplusage vehicles and equipment, and justifying new vehicles following state contracts. I am also responsible to test emissions on all vehicles and make them comply with state laws.

The main job duties on the PRR are broken down into smaller percentages than on the PDF. In summary, the duties on the PRR include the following:

- Maintain and repair vehicles and equipment at CBCC;
- Perform major repairs on power generators and all equipment over 15,000 lbs. and Warehouse Electric/Hydraulic pallet jacks, stock pickers, and forklifts;
- Supervise and schedule pick-ups and deliveries for truck driver to make;
- Schedule needed repairs to coincide with available vehicles and equipment;
- Train and supervise offenders to make needed repairs and maintenance of vehicles;

- Provide and maintain equipment and supplies for outside crew to perform their scheduled tasks;
- Assist in the direction for the outside crew, in performing needed maintenance at CBCC.
- Maintain parts and tool inventory;
- Estimate and order fuels to maintain needed inventories;
- Schedule vehicles for staff usage and ensure vehicles have needed forms and safety equipment;
- Security and weekly safety/sanitations checklists.

As your supervisor, Mr. Brandt signed the PRR indicating the description of work was accurate and complete. Associate Superintendent Ron Fraker also signed the PRR. In the Supervisor Review section of the PRR, Mr. Brandt indicated that you receive little supervision and are responsible for devising your own work methods. Mr. Brandt also wrote the following:

*Mr. O'Brien decides what fleet vehicles to assign, which to repair first, and when to order new fleet vehicles and equipment (Exhibit A-3, page 6).*

During the Director's review conference, Mr. Brandt also emphasized that you are in charge of the entire fleet at CBCC and that you are the subject matter expert regarding all vehicle and heavy equipment repairs. Mr. Brandt clarified that he does not check the quality of your work and that no one else at CBCC has your expertise regarding the fleet of vehicles and equipment. You indicated that you would have to work directly with a manufacturer if you were unable to resolve an issue with one of the vehicles or pieces of equipment.

Around the time you completed the PRR, DOC had been reviewing and updating PDFs, in part, to be in compliance with national standards set by the American Correctional Association (ACA). Mr. Brandt indicated that he completed the PDF for your position with the assistance of HR at CBCC. Mr. Brandt also saw it as an opportunity to really assess the breadth of work assigned to your position. At the time, your position had been allocated to the Automotive Mechanic Supervisor 1 classification. After reviewing the work assigned to your position, both Mr. Brandt and DOC concluded the Equipment Technician series provided a better fit.

On the Position Description Form (PDF), the Position Objective indicates the following (Exhibit A-4):

Responsible for supervising and performing skilled work in repair and maintenance of all motorized vehicles, trailers, and equipment within the automotive department at Clallam Bay Corrections Center.

On the PDF, the Key Work Activities assigned to your position are described as follows:

- 65% Plans, lays out, directs and inspects work of the automotive mechanics crew of residents [offenders] engaged in the repair of automotive, heavy equipment utility carts, and other hydraulic and motorized special purpose equipment. Supervises and directs Offender crew mechanics with motorpool maintenance tasks. Maintains preventative maintenance plans and tracking PM tasks for the motorpool fleet. Confers with supervisors and others on use, maintenance, and repair of disposal of equipment. Operates motor vehicles and heavy equipment in the performance of job duties. Responsible for the operation of hand and power tools and other motorpool equipment required to accomplish repairs. Maintains transportation request log and assigns vehicles.
- 15% Confers with staff and supervisors on physical plant use, maintenance and repair of physical plant machinery and mechanical equipment and systems. Researches and orders parts/supplies adheres to contract purchasing requirements. Maintains parts and supplies inventory as required for working inventory.
- 15% Supervises the Truck Driver 2 position and an offender work crew. Conducts new worker orientation; attendance tracking; initiating appropriate disciplinary action; writing 30-day offender performance reviews; and completion and submission of appropriate incident and injury reports. Teach offender crews maintenance tasks associated with internal combustion engines. Instruct crew of preventative maintenance methods and how to read and reference mechanical books and part information books. Instruct crew and staff on preventative maintenance methods such as proper protective gear, proper flammable toxic and caustic material logging, storage and handling procedures. Assign offender crews various maintenance tasks such as cleaning, detailing, washing, greasing, tune-ups, minor preventative and corrective maintenance and/or major overhaul tasks.

During the Director's review conference, you indicated that you supervise the offender crew performing a variety of tasks ranging from overhauling engines and repairing brakes to repairing and maintaining heavy equipment such as a grader. Mr. Brandt also affirmed that you talk with OCC regarding your offsite work crew coming from OCC and that you determine the qualifications needed from an offender working in the shop.

#### Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

At the time you requested a position review, the Equipment Technician series was included in an occupational category entitled Equipment Maintenance and Repair. The class series concept stated the following (Exhibit C, page 1):

Positions in this series service and repair light and heavy wheeled and tracked vehicles, motorized farm equipment, and heavy construction or related equipment, and/or independently overhaul light air-cooled engines such as lawn mowers; and small electrical motors. Some positions analyze agency vehicle, industrial/commercial and specialized equipment needs, uses, and cost effectiveness or coordinate statewide fleet operation within an agency.

DOC agrees your position fits within the above category concept.

The distinguishing characteristics of the **Equipment Technician 4** (class code 600L) indicate, in part, the following (Exhibit C, page 5): *(Please note the distinguishing characteristics were later considered to be the definition, due to a general revision, effective July 1, 2007).*

This is the senior, specialist, or leadworker level of the series. Lead mechanic in an equipment and repair shop, leads other lower level staff, inspects, diagnoses and makes major and minor mechanical repairs of all types of heavy and/or industrial/commercial equipment; or,

. . .

Within the Department of Natural Resources, leads an inmate crew in heavy or commercial/industrial equipment repair, and performs all duties normally assigned to lower level equipment mechanics.

. . .

Work is typically reviewed on a spot check basis after decisions have been made. Unusual problems that may occur are brought to a higher level supervisor with probable outcomes and solutions. Regularly assigns, instructs and checks the work of others. May supervise and train custodian, and other staff.

While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. Some of the work examples identified in the Equipment Technician 4 class specification include:

- Ensuring that safe workplace requirements are met and acceptable housekeeping standards are maintained;
- Maintaining computerized equipment records;

- Making standard mechanical repairs and adjustments or improvises emergency repairs, including welding, in the field to all types of highway equipment and mechanical plant facilities;
- Leading, instructing, and participating in the inspection, diagnosis and repairs to such mechanical equipment as passenger vehicles, power shovels, graders, dozers, heavy trucks and accessories, snow blowers, loaders, rollers, catch basin cleaners and all other state-owned equipment;
- Inspecting and/or road testing vehicle after completion of repairs;
- Providing oral input to equipment supervisors for the purpose of evaluating the work performance of shop personnel;
- May supervise lower level staff.

Although you may perform some of the work identified in the Equipment Technician 4 class specification, your duties and responsibilities exceed the scope of this classification. Your supervisor, Mr. Brandt, described you as a subject matter expert in vehicle and heavy and small equipment repair at CBCC. He further indicated that you make all decisions regarding the fleet of vehicles and equipment. As the Facilities Manager, Mr. Brandt manages a variety of plant maintenance areas at CBCC (Exhibit A-5). You report directly to Mr. Brandt, not an equipment supervisor. Further, Mr. Brandt indicated that you receive very little supervision and that you retain the expertise in auto and equipment repair at CBCC and that no one has the knowledge or expertise to inspect the quality of your work at the institution. This level of independence is not consistent with the Equipment Technician 4, where work is reviewed on a spot check basis and problems are referred to a higher level supervisor for assistance.

The distinguishing characteristics of the **Equipment Technician 5** (class code 600M) indicate, in part, the following (Exhibit C, page 8): *(Please note the distinguishing characteristics were later considered to be the definition, due to a general revision, effective July 1, 2007).*

This is the supervisory or expert level of the series. Supervises equipment mechanics, shop assistants or other journey-level technicians involved in performing preventative maintenance and repairs on equipment; or, in the Department of Natural Resources, supervises a crew of five or more inmates in heavy or commercial/industrial equipment repair.

. . .

Supervision is not a requirement of the Equipment Technician 5 class because the distinguishing characteristics indicate that the position is the supervisor **or** expert level of the series. Similarly, the Equipment Technician 5 typical work examples note that positions *may supervise lower level staff*. Mr. Brandt described your position as the subject matter expert for the fleet of vehicles, heavy equipment, and small motored equipment at CBCC. Your position fits the expert level of the series.

In addition, the responsibility to supervise an offender crew performing heavy or commercial/industrial equipment repair is a better fit with the level of responsibility described by the Equipment Technician 5 classification.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Although you are not employed by DNR, you do supervise an offender crew performing heavy or commercial/industrial equipment repair. During the Director's review conference Mr. Brandt explained that a similar shop exists at OCC and that OCC contracts with DNR to operate the shop. Because your offender work crew comes from OCC, you indicated that the same or a similar group of offenders may perform work in either shop. Mr. Brandt further explained that the OCC shop contains three specific areas: automotive; small engines; and heavy equipment. He affirmed that at CBCC, you are in charge of all three areas and supervise an offender crew performing mechanical work in all areas.

While I considered DOC's indication that you lead the offender crew rather than supervise them, the PDF supports your supervisory responsibilities. For example, the position objective references your responsibility "for supervising . . . skilled work in repair and maintenance of all motorized vehicles, trailers, and equipment . . ." (Exhibit A-4, page 1). The offender crew performs the skilled work. The essential functions of your position also list the primary duties to supervise the offender auto work crew, the installation of new and replacement parts, and all auto mechanic projects (Exhibit A-4, page 2). Finally, in addition to supervising the Truck Driver 2 position, the key work activities indicate your position supervises an offender work crew and "[c]onducts new worker orientation; attendance tracking; initiating appropriate disciplinary action; writing 30-day offender performance reviews; and completion and submission of appropriate incident and injury reports" (Exhibit A-4, page 3).

While not exact, some of the Equipment Technician 5 work examples most in line with your assigned duties and responsibilities include:

- Supervising equipment mechanics (in this case offender crew) . . . in the proper inspection, repair and maintenance of all equipment used in highway maintenance;
- Receiving and inspecting vehicles as they enter the shop, checking with operators and examining maintenance records such as garage service



- orders, lubrication service records, mileage records, and sign-in and sign-out equipment records;
- Assigning work to the mechanics . . . and inspecting completed work;
- Maintaining a record showing charges to the activity receiving the repairs for the vehicle . . .
- Diagnosing mechanical failure of equipment and assisting in the modification of new equipment;
- Controlling the signing in and out of vehicles . . .
- Ensuring that the shop area is clean and that good personnel, safety and public relation practices are adhered to.

Based on the level, scope and diversity of the overall duties and responsibilities of your position, the Equipment Technician 5 classification is the best fit.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Tina Cooley, DOC  
Joanne Harmon, DOC  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Gary O'Brien v. Dept. of Corrections**

**ALLO-08-073**

List of Exhibits

**A. Gary O'Brien Exhibits**

1. Request for Director's Review Form October 14, 2008
2. Allocation Determination letter dated September 24, 2008
3. Position Review Request Form dated January 4, 2007
4. Position Description Form dated January 30, 2007
5. CBCC Plant Maintenance Organizational Chart

**B. Department of Corrections Exhibits (December 24, 2008)**

1. Position Review Request, January 4, 2007 (Duplicate of A-3)
2. Position Description Form dated January 30, 2007 with Organizational Chart (Duplicates of A-4 & 5).
3. June 27, 2008 email from Gary O'Brien to Paula Gaumond regarding list of equipment.
  - a. Handwritten list of equipment
4. July 16, 2008 email from Gary O'Brien to Gina Maines regarding supervision.
5. Allocation Determination letter dated September 24, 2008 (Duplicate of A-2)
6. Class Specifications: Auto Mechanic Supervisor 1 – 618O
7. Class Specifications: Equipment Technician 3 – 600K
8. Class Specifications: Equipment Technician 4 – 600L
9. Class Specifications: Equipment Technician 5 – 600M

**C. Equipment Maintenance and Repair Class Series Concept and Distinguishing Characteristics for Equipment Technician 1 – 5 classes (class codes 600I-600M).**  
*Please note the class definitions in exhibits B-7, 8, and 9 replaced the distinguishing characteristics, effective July 1, 2007. However, the content is the same.*